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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/566,576

07/19/2006

Torbjorn Sjodin

1507-1035

5103

466

7590

09/25/2007

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EXAMINER

LEWIN, ALLANA

ART UNIT

PAPER NUMBER

3764

MAIL DATE

DELIVERY MODE

09/25/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/566,576

Applicant(s)

SJODIN, TORBJORN

Examiner

Allana Lewin

Art Unit

3764

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 7/6/2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 9-17 is/are rejected.
- 7) ☒ Claim(s) 7 and 8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Objections***

Applicant is advised that should claims 3-6 be found allowable, claims 9-11 and 14 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

### ***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 4, 6, 10 and 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hetrick (US Pat. App. Pub No. 2004/0204300) in view of Trent (US Pat. No. 4,245,839).

Hetrick discloses an exercise device comprising a first strap (420); loops (425a, 425b) attached to the first strap; an anchorage means (410) that is adapted to be fixed to a base and designed to receive the first strap via a loop (415) such that the strap is displaceable in its longitudinal direction relative to the anchorage means; and tubular handles (423a, 423b) mounted on the loops, with the handles being displaceable relative to the loops and the loops having a larger width than an internal diameter of the tubular handles (note Figures 7 and 8).

Hetrick fails to disclose one of the loops having a length/circumference in the interval of 110-180 centimeters.

Trent disclose an analogous device and teaches the use of an enlarged loop (16) that is placed around the user's torso and enables the device to resist movement while the user exercises by running in place (column 4, lines 6-11). Trent does not specifically disclose the length or circumference of the loop, however as best understood it would appear that the loop taught by Trent falls within Applicant's range, as the loop must comfortably encircle a user's torso and is also shown showing having sufficient slack and space therebetween (note Figures 1 and 3). Additionally, Trent teaches the loop being adjustable via a block or buckle member (35) thereby enabling the loop to be sized as needed.

Therefore, based on the teachings of Trent, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have utilized at least one loop having a length/circumference in the interval of 110-180 centimeters with the Hetrick device in order to provide a loop sufficiently large enough to encircle the user's waist and thereby allowing the user to utilize the device while running in place as taught by Trent.

Regarding claims 4 and 10, Hetrick shows the loops being connected to the strap by buckles (435a, 435b).

Regarding claims 6 and 14-17, as broadly recited and absent further limitation, the loop (415) comprehends Applicant's 'shackle', with the strap running through the loop/shackle and is displaceable relative to it.

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Claims 3 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hetrick and Trent as applied to claim 1 above, and further in view of Dunston (US Pat. No. 4,060,240) and Hinds (US Pat. No. 4,779,867).

Hetrick, discussed in detail above, teaches the anchorage means (410) comprising, as best understood, a 'sheet-shaped carrier' (411) with a pocket integrated with the 'sheet-shaped carrier' (note Figure 5B), but fails to disclose a rod shaped element that is adapted to be mounted in the pocket. Examiner notes, though, that the structure taught by Hetrick serves the same purpose and would appear to function equivalently to that disclosed by Applicant. However, the use of anchorage means comprising a 'sheet-shaped carrier' having a pocket integrated therewith and a rod element adapted to be mounted in the pocket is notoriously old and well known in the art as evidenced by Dunston (note Figures 1 and 4) as well as Hinds (note Figure 1). Such a configuration is considered to be functionally equivalent to that taught by Hetrick, and therefore it would have been obvious to an artisan of ordinary skill at the time of invention to have substituted such a configuration in the Hetrick device without changing its function, utility or purpose.

Claims 5 and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hetrick in view of Trent as applied to claims 1-4 above, and further in view of Braathen (US Pat. No. 5,133,700).

Hetrick modified supra fails to disclose an anti-slip mat.

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Braathen discloses an analogous device and teaches the use of a mat (1) for the user to stand upon when exercising (note Figure 3), with the mat having an underlying rubber mat portion (1b) which Braathen teaches provides non-slip contact on the underlying floor, thereby comprehending Applicant's 'anti-slip mat'. Braathen teaches that various exercises can be performed with the mat, particularly in combination with an exerciser (column 2, lines 26-31).

Therefore, based on the teachings of Braathen, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have utilized an anti-slip mat with the Hetrick device in order to provide a suitable and safe surface upon which the user can exercise and enable the user to perform various exercises.

#### ***Allowable Subject Matter***

Claims 7 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Response to Arguments***

Applicant's arguments with respect to claims 1-17 have been considered but are moot in view of the new ground(s) of rejection.

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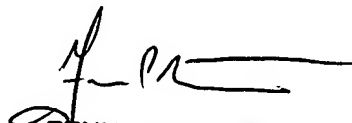
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allana Lewin whose telephone number is 571-272-5560.

The examiner can normally be reached on Monday-Friday, 9AM-5:30PM.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AL   
September 17<sup>th</sup>, 2007

  
FENN C. MATHEW  
PRIMARY EXAMINER